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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,087	03/21/2001	Stanley A. Shapiro	110277.402	2102

7590

10/05/2004

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EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,087

Applicant(s)

SHAPIRO ET AL

Examiner

Paul H Kang

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 14, 16, 18-24 and 26-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Tang et al., US Pat. No. 5,793,365.

2. Regarding claim 1, Tang teaches a system for providing at least one forum, virtual room or chat room facilitating communication between a plurality of clients in a computer network environment; said system comprising (col. 3, line 32 – col. 4, line 28):

a conference server communicable and connectable with the computer network hosting at least one forum, and managing graphical representations of a first one of the plurality of clients in the at least one forum (col.4, line 61 – col.5, line 11); and

a multi-point control unit server communicable and connectable with the computer network transmitting voice communication in real-time from a second one of the plurality of clients to at least one of the first one of the plurality of clients and a third one of the plurality of clients in the at least one forum (col. 12, line 40 – col. 13, line 12 and col. 14, lines 15-58).

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3. Regarding claims 2-4, 6 and 21, Tang teaches a server which negotiates a connection, enables real-time data transmission and routing the client to a selected forum (col. 9, lines 22-55 and col. 14, lines 15-58).

4. Regarding claim 5, Tang teaches a system having both synchronous and asynchronous communications (col. 14, lines 15-58).

5. Regarding claim 14, Tang teaches a whisper functionality for providing private communication (col. 10, lines 9-35 and col. 14, lines 15-58).

6. Regarding claim 16, Tang teaches both internet and intranet (co. 11, lines 37-57).

7. Regarding claim 18, Tang teaches the use of avatars (col. 4, line 61 – col. 7, line 61).

8. Regarding claim 19, Tang teaches asynchronous communication including one of email, message boards for voice or text messages, or whiteboards (col. 14, lines 15-58), and the synchronous communication including one of real-time aural chat or real-time text chat sessions (col. 14, lines 15-58).

9. Regarding claim 20, Tang teaches message boards are user-specific, group-specific, and topic specific (col.9, line 22 – col. 11, line 3).

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10. Regarding claims 22-24, Tang teaches clients having interfaces having graphical representations identifying clients (col. 4, line 61 – col. 5, line 42).

11. Regarding claims 26 and 27, Tang teaches avatar selection menus to customize avatars (col. 4, line 61 – col. 7, line 61).

12. Regarding claims 28-31, Tang teaches on-line client window including a join forum functionality, speech request functionality, and forum selector (col. 4, line 61 – col. 7, line 61 and col. 9, lines 6-36).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 15, 17, 25, 32-45 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, as applied above, in view of Needham, US Pat. No. 5,784,568.

14. Regarding claims 7-9, 32-33 and 46-49, Tang teaches the invention substantially as claimed. Tang teaches a system and method for providing communication between a plurality of clients in a computer network, said system and method comprising (Tang, col. 3, line 32 – col. 4, line 28):

a server communicable and connectable with the computer network and managing avatars of the plurality of clients, determining whether all users in an available virtual room have selected respective graphical representations to be displayed in the virtual room (Tang, col. 4, line 61 – col. 5, line 11);

said server duplicating and streaming, in real time, data corresponding to aural, text and file communications to the plurality of clients (Tang, col. 14, lines 15-58).

However, Tang does not explicitly teach details of the system and method including queuing methods for transmitting the data; said server determining a speech request, and duplicating and streaming, real time, aural communications to the plurality of clients based, at least in part, on the speaking order determined by said speech request queue.

The artisan therefore would have been lead to prior art teachings having detailed methods in managing real-time multi-party data transmission system. In the same field of endeavor, Needham teaches a real-time multi-party audio chat system having data request queuing methods to determine order of data transmission (Needham, col. 3, lines 13-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the queuing methods as taught by Needham into the conferencing system of Tang for the purpose of efficiently managing and implementing data transfers in a real-time multi-user data conference system.

15. Regarding claim 15, Tang-Needham teach the invention substantially as claimed. However, Tang-Needham does not explicitly teach one multiple conference server includes a plurality of multiple conference, and said system further comprises a master server controlling

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access. Tang-Needham does teach client/server network implementation of the system although details of the configuration is not disclosed. In order to configure the network topology of the system, the artisan would be led to the analogous art of computer networking, where he would find the details associated with network topology, including the tree network topology having multiple dependent servers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the tree network topology into the system of Tang-Needham in order to implement a reliable and efficient network configuration into the system.

16. Regarding claim 17, Tang-Needham teach the invention substantially as claimed. However, Tang-Needham does not specifically disclose the use of a voxilla server.

The use of a voxilla server to initiate communication using Open Source H.323 protocol was widely accepted and used as disclosed by the Applicant on page 33 of the specification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the use of voxilla servers into the conferencing system of Tang in order to use a widely accepted protocol for communication.

17. Regarding claim 25, Tang-Needham teach the invention substantially as claimed. However, Tang-Needham does not disclose volume control. Tang-Needham discloses aural conferencing using computers. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated volume controls, standard in most computer systems, into the system of Tang-Needham for the purpose of enhancing the system.

18. Regarding claim 34, Tang-Needham teach muting while duplicating (Needham, col. 3, lines 13-64).

19. Regarding claim 35, Tang-Needham teach displaying graphical representations (Tang, col. 4, line 61 – col. 5, line 42).

20. Regarding claims 36-39 and 43-45, Tang-Needham teach identifying new users and provides available virtual rooms, it's occupants and users in the lobby, providing the user access to those rooms, updating the display to show their status when the user joins or leaves (Tang, col. 4, line 61 – col. 7, line 61 and col. 9, line 6 – col. 11, line 3).

21. Regarding claims 40 and 41, Tang-Needham teaches asynchronous communication including one of email, message boards for voice or text messages, or whiteboards (Tang, col. 14, lines 15-58), and the synchronous communication including one of real-time aural chat or real-time text chat sessions (Tang, col. 14, lines 15-58).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. After October 26, 2004, all calls should be placed to (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL H. KANG
PRIMARY PATENT EXAMINER